

REMARKS

Claims 1-10 and 15-21 are pending. New claim 21 has been added. No new matter has been introduced.

Claims 1-10 and 15-20 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kotas *et al.*, U.S. Patent Application No. 2003/0204449A1 (hereinafter "Kotas").

Reconsideration and allowance of the current application are respectfully requested. No new matter has been added.

New Claim

New claim 21 has been added with this amendment. Claim 21 is fully supported by the specification as originally filed.

35 USC § 102 – Claims 1-10 and 15-20

Claims 1-10 and 15-20 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kotas. This rejection is respectfully traversed. For a rejection to be proper under 35 U.S.C. §102(b), the Office is required to make a *prima facie* showing that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. [MPEP §2131 quoting from *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).]

Kotas discloses an online marketplace system which allows a user to search a database containing records of items for sale via a user interface.

With regards to claim 1, the Office apparently alleges that the "Search" box disclosed by Kotas in FIG. 1A and FIG. 1B is a "control capable of presenting a plurality of search options, each search option specifying both an associated predetermined query to be performed on a data repository and an associated predetermined visual configuration for displaying a result of the predetermined query." This assertion is clearly in error. Kotas neither discloses nor suggests that user entries in the "Search" box shown in FIG. 1A and FIG. 1B may specify a predetermined visual configuration for displaying the result of a predetermined query. Even assuming that selections such as "Music" or "Camera and Photo" specify predetermined queries, no user controls are disclosed or suggested for specifying the visual configuration in which the results are displayed.

Additionally, contrary to the assertions of the Office, FIG. 1A through FIG. 4C of Kotas do not illustrate various visual configurations that are specified for each search option that can be selected for

execution by a user. Rather, as explained in detail in paragraphs 0074 to 0102 of Kotas, each of these figures presents and/or requests different information that is presented in response to different, customized (in other words not predetermined) user inputs. For example, FIG. 1B is not an alternative presentation of the same data shown in FIG. 1A. As disclosed in paragraph 0081 of Kotas, FIG. 1B depicts the screen resulting when the user selects the “7 used” link (135) shown in FIG. 1A. The screen shown in FIG. 1B is then returned to provide information that was not shown in FIG. 1A. As such, these views are not generated by selection of a search option specifying both an associated predetermined query and an associated predetermined visual configuration for displaying a result of the predetermined query. Likewise, contrary to the Office’s assertions, no pairing of any two figures selected from FIG. 1A through FIG. 4C may properly be interpreted as the result of a user selecting a search option (from a plurality of search options) that specifies both a predetermined query and a predetermined visual configuration for displaying the predetermined query results.

As one who is familiar with online marketplaces such as Amazon.com may realize, none of the product-specific screen shots shown in the figures of Kotas or described in the Kotas disclosure may be generated simply by selecting a predetermined query. In fact, use of predetermined queries would be a very ineffective and labor-intensive way of operating an online marketplace website as a separate predetermined query would need to be generated for each product to be sold. Such an approach is clearly not disclosed or suggested by Kotas. Rather, the view in FIG. 1A might be generated by entering one or more of the words “drops” or “Jupiter” or “train” in the text entry field in the search box. Likewise, FIG. 2 might result from entering “Red October” and/or “Tom Clancy” into the text field of the search box, just as FIG. 3b might result from entering “Olympus Camedia” in the text field. These are not predetermined queries, but rather are custom queries generated by user input.

For at least the reasons noted above, it is respectfully submitted that the Office has not met its burden of presenting a *prima facie* case for anticipation of claim 1 based on Kotas. As such, claim 1 should be held to be patentable over Kotas. It is therefore respectfully requested that the pending rejections of these independent claims be withdrawn. Claims 2-9 depend from and therefore include the above-discussed limitations of claim 1. As such, they should also be held patentable. Additional remarks are provided below in regards to selected additional features of these dependent claims.

Regarding claim 2, the Office further alleges that the views shown in FIG. 1A and FIG. 1B of Kotas are different visual configurations of a common predetermined query. It is respectfully submitted that this assertion is also in error. As disclosed at line 6 of paragraph 0081 of Kotas, FIG. 1B depicts the screen shot that would result from selecting the “7 used” link (135) shown in FIG. 1A.

The results shown in FIG. 1B are not the output of a common query but instead are returned from a different, albeit related search to the one that returned the screen shot shown in FIG. 1A. For at least this reason and those noted above for claim 1, Kotas does not anticipate Claim 2.

With regards to claim 7, Kotas does not disclose that a data repository includes the results of an executed query of the repository which is then queried by a predetermined query selected by the user. The comments provided in the pending Office Action with regard to Claim 7 do not support the allegation that the limitations of Claim 7 are anticipated by Kotas. As noted above in regards to claim 1, use of a pre-determined query for each item sold via the online marketplace would be unmanageably cumbersome. Nowhere does Kotas include a disclosure that would support the Office's contention that a "pre-determined query will specify specific results (such as a specific book title). Rather, as noted above, details such as a book title or author would be specified by a user in the text field provided in the search box shown in the various figures of Kotas. these are not predetermined queries but rather customized searches. For at least this reason and those noted above for claim 1, Kotas does not anticipate Claim 7.

It is respectfully submitted that claim 15 is patentable for at least the reasons discussed above in regards to claim 1. The screenshots shown in FIG. 1A and FIG. 3B of Kotas cannot reasonably be characterized as resulting from a predetermined drill-down query selected by a user from a plurality of drill-down options. As noted above, each of these figures must have been generated by a customized search – FIG. 1A would result from entering key words such as for example "Drops of Jupiter" or "Train" in the text field of the search box while FIG. 3B might be generated by entering search terms like "Olympus Camedia" or the like. The Office's assertion that Kotas discloses or even suggests presenting a plurality of drill-down options, each of which specifies both a predetermined drill-down query and a predetermined visual configuration is clearly in error. As such, it is respectfully submitted that the pending rejection of claim 15 as well as those of dependent claims 16-20 should be withdrawn.

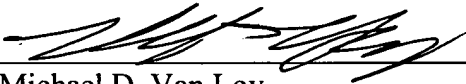
CONCLUDING COMMENTS

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, it is respectfully submitted that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-021.

Respectfully submitted,

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